FARAD CONTINUATION SHEET.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION.

WRIT PETITION No.3517 OF 2006.

Office Notes,Office Memorandum of Coram apperance,Court's Orders & Directions and Registrar's Order.	: Court or Judge's Order.

Mr. Mandar Limaye ib. Mr. Vaibhav Patankar and S.M. Kelkar,Advocate for the Petitioner.
Smt. Premlata Modani,Advocate for the Respondent.

CORAM:R.M.S.KHANDEPARKAR,J.

DATED:24TH NOVEMBER, 2006.

1. Heard.

2. In view of the clear finding arrived at by the lower Appellate Court that the petitioner is not residing in the suit premises, no fault can be found for refusing stay of the order of eviction against the petitioner during the pendency of the Appeal. Needless to say that in case the petitioner succeeds in the Appeal, the petitioner would be entitled for restoration of the premises in question in terms of the provisions of Section 144 of the C.P.C. Being so,

there is no case made out for interference in the impugned order in writ jurisdiction under Article 227 of the Constitution. However, at the request of the learned Advocate for the petitioner, ad-interim stay granted in the matter to the impuged order is extended till 31st of January, 2007. With this observation, the petition is rejected.

[R.M.S.KHANDEPARKAR,J.]